

Bill of Rights in the News; Arizona Immigration Law

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05.03.10 - Arizona Immigration Law

Synopsis: This week's Bill of Rights in the News eLesson focuses on Arizona's new law designed to combat illegal immigration. The law, which has not yet gone into effect, was designed to mirror federal law and makes it a state crime to be in the USA illegally. The law has been strongly criticized by those who argue it will authorize racial profiling. In response to these concerns, the governor recently approved changes to the law clarifying that racial profiling is illegal.

News Resources

Arizona governor signs changes into immigration law

<http://www.abc15.com/content/news/phoenixmetro/central/story/Governor-signs-several-changes-to-Arizona/qNpxW7Jonkm9shejhkiSQ.csp>

Holder: U.S. May Fight Arizona Immigration Law

<http://www.cbsnews.com/stories/2010/04/27/politics/main6437887.shtml>

First lawsuits filed to challenge Arizona illegal-immigrant law

<http://articles.latimes.com/2010/apr/30/nation/la-na-arizona-immigration-20100430>

Ariz. immigration policy sets off polarizing debate

http://www.usatoday.com/news/nation/2010-05-02-immigration_N.htm

Bill of Rights Resources

Article I, Section 8

<http://www.constitutionbee.org/user/StudentGuide.aspx?id=764>

The Fourth Amendment

<http://www.constitutionbee.org/user/StudentGuide.aspx?id=793>

The Fourteenth Amendment

<http://www.constitutionbee.org/user/StudentGuide.aspx?id=812>

Immigration and Nationality Act

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=f3829c7755cb9010VgnVCM10000045f3d6a1RCRD&vgnnextchannel=f3829c7755cb9010VgnVCM10000045f3d6a1RCRD>

Topics: Federal immigration law

<http://topics.law.cornell.edu/wex/immigration>

Discussion Questions

1. What law regarding illegal immigration did Arizona recently pass?

A law making it a state crime to be in the USA illegally. Police will be required to verify the immigration status of individuals they have "reasonable suspicion" are in the country illegally, but may only do so in the context of a "lawful stop, detention or arrest."

2. Why does Arizona claim the law is justified?

Arizona claims the law is justified because of the large number of immigrants who appear to lack documentation. Estimates say there are as many as 500,000 illegal immigrants in Arizona. Supporters of Arizona's law argue that the uncontrolled border with Mexico contributes to drug trafficking and other crimes. Arizona acknowledges existing federal law, but argues that the state had to take action because the federal law is not being enforced adequately. Further, Arizona's unique geographical location makes illegal immigration a particular problem it must confront.

3. On what grounds have critics objected to the law?

Critics challenge the law for several reasons. US Attorney General Eric Holder has argued that the law has the potential for abuse. Homeland Security Secretary Janet Napolitano has expressed concerns that the law will siphon away money that is needed to find and prosecute dangerous illegal immigrants. Some have argued that setting and enforcing immigration law is a federal responsibility, not a state one. Further, the National Coalition of Latino Clergy and Christian Leaders has sued in US District Court, arguing that the law will lead to racial profiling and harassment of people based on ethnicity. The ACLU and the Mexican-American Legal Defense and Education Fund have said they will also sue.

4. Federal law states "Every alien, eighteen years of age and over, shall at all times carry with him and have in his personal possession any certificate of alien registration or alien registration receipt card issued to him." Should the state of Arizona be able to enforce this requirement, and make it a state crime to lack the proper immigration papers? Why or why not?

Accept reasoned answers.

5. President Obama said that the Arizona law threatens to "undermine basic notions of fairness." The Fourteenth Amendment says that states must provide due process, and may not deny to any person within their jurisdiction the "equal protection of the laws." Are persons in Arizona, including immigrants who do not have legal documentation, being denied due process or equal protection of the law by the state? Why or why not?

Accept reasoned answers.

Extension

1. Have students research events from American history where tension between the central government and state governments erupted as one institution blamed the other(s) for not taking sufficient action. In which of these cases did state and local governments act because they claimed the federal government was not living up to its responsibilities? In which did the federal government take steps when it was claimed that states had failed to do so? Students may wish to research: the Whiskey Rebellion; Civil War amendments,

suffrage amendments, the Civil Rights Movement; education reform, speed limits and drinking age; as well as the current debate on illegal immigration.

2. Have students research the immigration requirements in place in other nations and compare them to those of the United States. For their chosen country, students should research the following questions:
 - What rights, privileges, and responsibilities do undocumented immigrants have in this country?
 - What power do police or other enforcement agencies have to verify the status of immigrants?
 - How fully are these laws enforced?
 - How does this country's policy compare and contrast with US policy?
 - Should this nation's policy be a model for our own? Why or why not?

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